

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 JAMES CONTANT, et al., :
 Plaintiffs, :
 :
 -against- :
 :
 BANK OF AMERICA CORPORATION, et al., :
 Defendants. :
 :
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ELECTRONICALLY FILED
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DATE FILED: <u>10/29/2018</u>

17 Civ. 3139 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court at the time and place listed below. All pretrial conferences must be attended by the attorney who will serve as principal trial counsel. Parties who are not local (within the Metropolitan tri-state area) may request to attend by phone by filing a letter motion via ECF. Any open legal issues can be addressed at the conference.

Counsel are directed to confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Fed. R. Civ. P. 16 conference. Additionally, in accordance with the Court's Individual Rules, the parties are hereby ORDERED to prepare a joint Proposed Civil Case Management Plan and Scheduling Order in the form available at the Court's website (<http://nysd.uscourts.gov/judge/Schofield>) and append it to their joint letter described below. The parties must propose dates for the various deadlines even if they intend to request a stay of discovery.

IT IS FURTHER ORDERED that the parties shall file a joint letter on ECF at least seven calendar days prior to the initial pre-trial conference, not to exceed 5 pages, providing the following information in separate paragraphs:

- (1) A brief description of any (i) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (ii) pending motions and (iii) other applications that are expected to be made at the status conference;
- (2) A brief description of any discovery that has already taken place, and any discovery that is likely to be admissible under the Federal Rules of Evidence and material to proof of claims and defenses raised in the pleadings. (This is narrower than the general scope of discovery stated in Rule 26(b)(1));
- (3) A computation of each category of damages claimed, *see* Fed. R. Civ. P.

26(a)(1)(A)(iii);

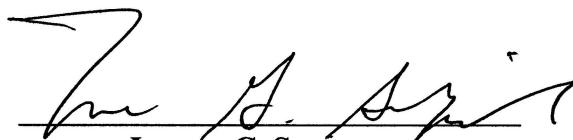
- (4) A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
- (5) Any other information that the parties believe may assist this Court in resolving the action.

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is sent prior to the date of the conference via email to the Orders and Judgment Clerk at the following email address: orders_and_judgments@nysd.uscourts.gov.

Any request for an extension or adjournment shall be made only by letter as provided in Individual Rule I.B.2 and must be received at least 48 hours before the deadline or conference. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

DATE AND PLACE OF CONFERENCE: November 15, 2018, at 11:45 a.m., in **Courtroom 1106** of the United States District Court for the Southern District of New York, Thurgood Marshall U.S. Courthouse at **40 Foley Square**, New York, New York.

Dated: October 29, 2018
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE